

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**ENTERED**

March 15, 2017

David J. Bradley, Clerk

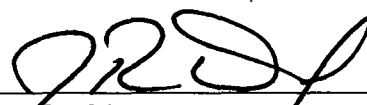
ANDRES RAMOS ORDONES,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.§
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§Civil Action No. 1:17-cv-00035
(Criminal Action No. 1:15-cr-1065-1)**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Before the Court is the "Magistrate Judge's Report and Recommendation" (Docket No. 5) in the above-captioned case. The Magistrate Judge's Report and Recommendation recommends dismissing Andres Ramos Ordonez' "Motion under 28 USC 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (Docket No. 1) without prejudice because his direct appeal is pending in the Fifth Circuit. Docket No. 5 at 2-6. No objections were filed. As of March 14, 2017, Ordonez' direct appeal is still pending.

After a de novo review of the file, the "Magistrate Judge's Report and Recommendation" (Docket No. 5) is **ADOPTED**. A certificate of appealability shall not issue. The Clerk is **ORDERED** to close this case.

Signed on this 14th day of March, 2017.

 Rolando Olvera
 United States District Judge